

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the INTELLIGENT DYNAMIC ROUTE SELECTION BASED ON ACTIVE PROBING OF NETWORK OPERATIONAL CHARACTERISTICS, the specification of which

☒ is attached hereto.

☐ was filed on _____ as Application Serial No. _____ and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Applications(s):

Number	Country	Day/Month/Year filed	Priority Claimed
			<input type="checkbox"/>
			<input type="checkbox"/>

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

Prior Provisional Application(s):

Application No.: 60/288,398

Filing Date: May 2, 2001

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s):

Serial No.	Filing Date	Status: Patented, Pending, Abandoned
------------	-------------	--------------------------------------

Docket No.: 60024-0012

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) and/or agent(s): Edward A. Becker, Reg. No. 37,777; Marcel K. Bingham, Reg. No. 42,327; Carl L. Brandt, Reg. No. 44,555; Brian D. Hickman, Reg. No. 35,894; Christopher J. Palermo, Reg. No. 42,056; Carina M. Tan, Reg. No. 45,769; Bobby K. Truong, Reg. No. 37,499; Craig G. Holmes, Reg. No. 44,770, Van Mahamedi, Reg. No. 42,828 and John D. Henkhaus, Reg. No. 42,656, all of

HICKMAN PALERMO TRUONG & BECKER LLP
1600 Willow Street
San Jose, CA 95125-5106

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

Full name of sole or first inventor: Jiva Gandhara DEVOE

Inventor's signature:

Date:

9/28/01

Residence: City: Tempe

State: AZ

Country: US

Citizenship: US

Mailing Address: 5735 S. Wilson Street

Mailing Address: City: Tempe

State: AZ

Zip: 85283

Country: US

Full name of second inventor: Jay D. JACOBSON

Inventor's signature:

Date:

9/28/01

Residence: City: Phoenix

State: AZ

Country: US

Citizenship: US

Mailing Address: 4514 E. Desert Wind Drive

Mailing Address: City: Phoenix

State: AZ

Zip: 85044

Country: US

Docket No.: 60024-0012

Full name of third inventor: Nicholas Michael ESTES

Inventor's signature:

Date:

09/28/01

Residence: City: Tempe

State: AZ

Country: US

Citizenship: US

Mailing Address: 4630 S. Lakeshore Drive, #130

Mailing Address: City: Tempe

State: AZ

Zip: 85282

Country: US

09/28/01 "85282"